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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,191	06/23/2003	Seung-June Yi	8737.046.00-US	6426

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

MOORE JR, MICHAEL J

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/601,191

Applicant(s)

YI ET AL.

Examiner

Michael J. Moore, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 4/30/07 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **31-51** are rejected under 35 U.S.C. 102(e) as being anticipated by Sarkkinen et al. (U.S. 6,684,081) (hereinafter "Sarkkinen"). *Sarkkinen* teaches all of the limitations of the specified claims with the reasoning that follows.

Regarding claim **31**, "a method of providing a point-to-multipoint service in a radio communication system" is anticipated by the frame construction method shown in Figure 6.

"Generating an identifier for indicating the point-to-multipoint service" and "adding the generated identifier to a data unit which is for the point-to-multipoint service in a medium access control (MAC) layer, wherein the identifier is included in a header of the data unit" is anticipated by the TCTF header field 322 (identifier) added in the MAC

layer that identifies the multicast or broadcast type of logical channel (identifies point-to-multipoint service) as spoken of on column 11, lines 50-54.

Lastly, “transmitting the data unit to a mobile terminal via a Forward Access Channel (FACH) or a (Downlink Shared Channel) DSCH” is anticipated by the data transmission via Forward Access Channel spoken of on column 10, lines 34-41.

Regarding claims **32 and 42**, “wherein the point-to-multipoint service is a multimedia broadcast/multicast service (MBMS)” is anticipated by the multicast/broadcast multimedia services spoken of on column 9, lines 61-63.

Regarding claims **33 and 43**, “wherein the identifier is a multimedia broadcast/multicast service (MBMS) radio network temporary identifier (RNTI)” is anticipated by the TCTF header field 322 (identifier) added in the MAC layer that identifies the multicast or broadcast type of logical channel (identifies point-to-multipoint service) as spoken of on column 11, lines 50-54.

Regarding claims **34 and 44**, “wherein the identifier is generated from a radio resource control (RRC) layer” is anticipated by the RRC layer 116, 160 that receives control information transmitted via MAC layer 122 as spoken of on column 10, lines 17-21.

Regarding claims **35 and 45**, “wherein the RRC layer generates the identifier when a radio access bearer is established, and discards the identifier when the radio access bearer is released” is anticipated by the TCTF header field 322 (identifier) added in the MAC layer that identifies the multicast or broadcast type of logical channel as spoken of on column 11, lines 50-54.

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Regarding claims **36 and 46**, “wherein the identifier is assigned by a Radio Resource Control (RRC) layer” is anticipated by RRC layer 116, 160 that receives control information transmitted via MAC layer 122 as spoken of on column 10, lines 17-21.

Regarding claims **37 and 47**, “wherein the MBMS services is a multicast service” is anticipated by the multicast/broadcast multimedia services spoken of on column 9, lines 61-63.

Regarding claims **38 and 48**, “wherein the transmitted data unit is a protocol data unit” and “wherein the received data is a protocol data unit from a network” is anticipated by the PDU structure spoken of on column 3, lines 11-23.

Regarding claims **39 and 49**, “wherein the data unit includes an indicator indicating a type of the identifier” is anticipated by the length field 328 (indicator) of Figure 6 that identifies which of the packet data contains control information as spoken of on column 11, lines 55-56.

Regarding claims **40 and 51**, “wherein the identifier is managed by a controlling radio network controller (CRNC)” is anticipated by the radio network controller 106 shown in Figure 1 and spoken of on column 6, lines 37-43.

Regarding claim **41**, “a method of receiving a point-to-multipoint service in a radio communications system” is anticipated by the frame construction method shown in Figure 6.

“Receiving a data unit including an identifier which indicates the point-to-multipoint service via a Forward Access Channel (FACH) or a (Downlink Shared

Channel) DSCH, wherein the identifier is included in a header of the data unit” and “identifying the data unit is for the point-to-multipoint service in a medium access control (MAC) layer using the identifier” is anticipated by the data reception by a mobile terminal shown in Figure 6 including a TCTF header field 322 (identifier) added in the MAC layer that identifies the multicast or broadcast type of logical channel (identifies point-to-multipoint service) as shown in Figure 6 and spoken of on column 11, lines 50-54.

Lastly, “transferring a point-to-multipoint service data of the data unit to an upper layer” is anticipated by the delivery of broadcast or multicast messages to upper layers in the mobile station as spoken of on column 9, line 65 – column 10, line 3.

Regarding claim 50, “wherein the point-to-multipoint service data of the data unit to the upper layer is a header-removed data unit” is anticipated by the delivery of broadcast or multicast messages to upper layers in the mobile station as spoken of on column 9, line 65 – column 10, line 3, as well as the stripping of header data spoken of on column 11, lines 28-32.

Response to Arguments

4. Applicant's arguments filed 7/23/07 have been fully considered but they are not persuasive.

Regarding claims 31 and 41, Applicant argues that *Sarkkinen* does not teach, “generating an identifier for indicating the point-to-multipoint service”, and “receiving a data unit including an identifier which indicates the point-to-multipoint service”, respectively.

Applicant further argues that the TCTF header field of *Sarkkinen* is used to identify the type of logical channel used to transmit data rather than indicating whether the data unit is a point-to-multipoint service regardless of the type of logical channel being used.

However, it is not clear from the current claim language how the identifier indicates the point-to-multipoint service. As provided in the previous Office Action, the TCTF header field 322 (identifier) of Figure 6 added in the MAC layer identifies the multicast or broadcast type of logical channel as spoken of on column 11, lines 50-54. Since the TCTF header field identifies a multicast or broadcast channel, it is held that this field therefore also indicates a point-to-multipoint (broadcast or multicast) service, as there is no further explanation in the claim language as to how the identifier indicates a point-to-multipoint service.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached at (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Moore, Jr.
Examiner
Art Unit 2619

mjm MM


WING CHAN 1/15/07
SUPERVISORY PATENT EXAMINER